

**Remarks**

In the outstanding office action, the Examiner has required the election of a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. More particularly, the Examiner required applicants to select (a) a species of a sugar fatty acid ester, both a specific sugar portion and a specific fatty acid portion, as well as one degree of esterification. The Examiner also required selection of (b) the degree of esterification of a plurality of sugar esters, as disclosed in claims 25-26.

Although applicants do not necessarily agree with the statements made by the Examiner in the office action, applicants are making, without traverse, the following elections of species:

(a) fructose as sugar; fructose caprate as specific species, mono-and diesters (claims 17-22 and 25-30)

(b) average degree of esterification of 2 (claims 25-26, 30).

The undersigned respectfully submits that the response presented herein comprises a full and complete response to the Examiner's requirement for restriction as set forth in the office action mailed April 1, 2009.

In view of the above, it is believed that the present application is now in condition for allowance and early notice thereof is respectfully solicited.

If the Examiner has any questions concerning this response, invitation is respectfully made to contact the undersigned by telephone at the number indicated below.

If any additional fees are required to further the prosecution of this application, the Office is authorized to charge such fees to Deposit Account No. 50-1943.

Respectfully submitted,

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